

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HERLEY INDUSTRIES, INC.,	:	
	:	
Plaintiff and	:	
Counterclaim Defendant,	:	
	:	
v.	:	CIVIL ACTION No. 08-5377
	:	
FEDERAL INSURANCE COMPANY,	:	HON. JUAN R. SÁNCHEZ
	:	
Defendant and	:	
Counterclaim Plaintiff.	:	

**NOTICE OF APPEAL**

Notice is hereby given that Herley Industries, Inc. (“Herley”), plaintiff and counterclaim defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Third Circuit from the final Order of the United States District Court of the Eastern District of Pennsylvania denying Herley’s Motion for Summary Judgment and granting Federal Insurance Company’s Motion for Summary Judgment, entered in this action on the 24<sup>th</sup> day of August, 2009 (Dkt. No. 26), attached hereto as Exhibit 1.

Respectfully submitted,

**BLANK ROME LLP**

BY: /s/ Ann B. Laupheimer  
ANN B. LAUPHEIMER  
Pa. Id. No. 41883  
STEPHANIE C. CHOMENTOWSKI  
Pa. Id. No. 204184  
One Logan Square  
Philadelphia, PA 19103-6998  
(215) 569-5500

Dated: September 22, 2009

*Attorneys for Plaintiff Herley Industries,  
Inc.*

# **EXHIBIT 1**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HERLEY INDUSTRIES, INC.

v.

FEDERAL INSURANCE COMPANIES, INC. :

CIVIL ACTION

No.: 08-5377

**FILED**

AUG 24 2009

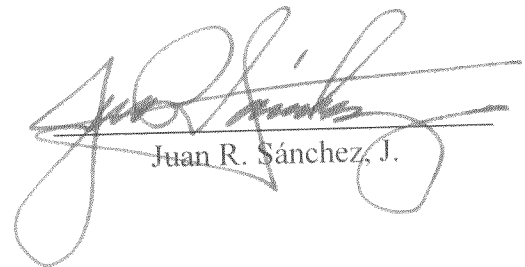
**ORDER**

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

AND NOW, this 21st day of August, 2009, Plaintiff Herley Industries, Inc.'s Motion for Summary Judgment (Document 19) is DENIED and Defendant Federal Insurance Companies, Inc.'s Motion for Summary Judgment (Document 16) is GRANTED. Judgment is entered in favor of Defendant Federal Insurance Companies, Inc. and against Plaintiff Herley Industries, Inc.

The Clerk of Court is directed to mark the above-captioned case CLOSED.

BY THE COURT:



Juan R. Sanchez, J.

**CERTIFICATE OF SERVICE**

I, Ann B. Laupheimer, Esquire, hereby certify that on September 22, 2009,  
I caused a true and correct copy of the foregoing NOTICE OF APPEAL to be  
served via ecf and first class mail, postage prepaid, on the following:

Stephen A Loney Jr., Esq.  
David J. Hensler, Esq.  
Douglas S. Crosno, Esq.  
HOGAN & HARTSON LLP  
1835 Market Street, 29<sup>th</sup> floor  
Philadelphia, PA 19103  
[saloney@hhlaw.com](mailto:saloney@hhlaw.com)  
[djhensler@hhlaw.com](mailto:djhensler@hhlaw.com)  
[dscrosno@hhlaw.com](mailto:dscrosno@hhlaw.com)

/s/Ann B. Laupheimer  
Ann B. Laupheimer